

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America
v.
MARK WINN SWEENEY, JR.

Case No. 5:19-MJ- 107 (TWS)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 23, 2019 in the county of Onondaga in the
Northern District of New York, the defendant(s) violated:

Code Section

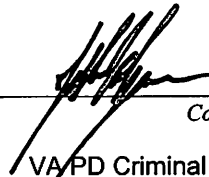
Offense Description

Title 18, United States Codes
Section 115(a)(1)(B)

Threats to assault or murder an official whose killing would be a crime under
Title 18, United States Code, Section 1114.

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.


Complainant's signature

VA PD Criminal Investigator, Joshua K. Spencer

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/28/2019City and state: Syracuse, NY


Judge's signature

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Joshua K. Spencer, being duly sworn, depose and state the following:

1. I am a Criminal Investigator with the Veterans Affairs Police Department. I have held this position since September 2018. I am currently stationed in Syracuse, New York. Among other obligations, my office investigates threats made against employees of the Veterans Affairs Administration. Prior to my promotion to Investigator, I have been a police officer with the Veterans Affairs Police Department since 2014.

2. I make this affidavit in support of a criminal complaint charging MARK WINN SWEENEY, JR. (hereinafter SWEENEY), with a violation of Title 18, United States Code, Section 115(a)(1)(B) for threatening to murder federal employees whose killing would be a crime under section 1114 of Title 18, United States Code. Note that members of the Veterans Affairs Police Department are not authorized to execute arrest warrants off of VA property, and as a result your affiant has coordinated with the United States Marshals Service, who are authorized to execute such warrants, and will execute the arrest warrant requested herein.

3. All information contained in this affidavit is either personally known to me or has been relayed to me by other law enforcement agents, in writing or otherwise, or by my review of documents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to law enforcement regarding this investigation. Rather, I have set forth only the facts I believe are necessary to establish probable cause for the above-identified violation.

4. In the early morning hours of February 23, 2019, SWEENEY made a telephone call to the Veterans Crisis Line and spoke to an employee. That telephone call was audio recorded,

and SWEENEY identified himself as “Mark” at the outset of the telephone call. During the telephone call, SWEENEY made several threatening statements directed primarily toward Department of Veterans Affairs’ employees who provided him care and treatment at the Veterans Emergency Department in Syracuse, New York earlier in the morning on February 23, 2019. Records obtained from the Veterans Emergency Department in Syracuse, New York, confirm that SWEENEY received treatment on February 23, 2019.

5. SWEENEY explained during the telephone call that he was upset with the care and treatment he received, in particular the provider’s refusal to prescribe him specific pain medication that he believed was appropriate for the dental pain he was experiencing. He directed his threats primarily toward the individuals who had provided him care that morning, though he did not identify them specifically by name.

6. SWEENEY’s threatening statements include but are not necessarily limited to the following, as your affiant interprets the audio recording of the telephone call:

- a. “First I’ll kill someone else before I kill me.” “Better believe that.”
- b. When asked if he had a plan to kill someone else, he said “Oh yes; Oh yeah, there’s four of them; they’re all going to die and then me.”
- c. “I think their time has come.”
- d. “They’re all gonna pay, and I do have ways to do it, and I do have a plan. I do have a plan. I’ve been planning it for fucking months when they pulled more of their bullshit. Now they’re gonna have to fucking pay.”
- e. “I’m coming back and you’re fucking dead bitch.”¹

¹ Your affiant believes this was a reference to one of the providers at the VA hospital, not the person who took the telephone call at the Crisis Line.

- f. "They just need to worry; they really need to worry this time cuz guess what, I got nothing left, and I'm sick of being treated like a God damn fucking piece of shit."
- g. "Now I'm done. They're gonna have to pay for what they've done."
- h. "I'm just making preparations for my final thing, cuz I don't plan on making it out of this. You know what, I got enough weapons I can take out four people at least. As long as I can get to the four I want I'm happy. Very happy. If anyone else gets in my way, too bad. I'll be in jail anyway. Jail or dead after."
- i. "They all need to pay the piper. They really fucking do. They need to pay the piper for what they've done. They need to pay for what they're doing to people – and the way they fucking treat people, and I'm gonna see that people get woke up. I can see the front page of the paper now."
- j. "No one's ever gonna catch me going in there. And no one's ever gonna catch the two little handguns I got. I'll be in and out and shit will be over with and hit the fan and be over with so quick. Won't matter to me, cuz I don't plan on walking away from it. I just want those fuckers dead. I want 'em dead so bad, you can't even know. Tired of being treat like a piece of shit. You got enough recorded?"
- k. "I got plans today, so I'm gonna get going. Things are gonna, shit's gonna hit the fan."
- l. When prompted with "you're talking about going and shooting up the VA," SWEENEY responded: "No, no, no, four particular people. I'm looking for

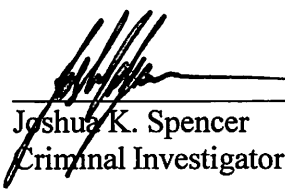
four people, not, not, random people down the hall. If I only find two of the four that's fine. Then me."

m. When prompted with "who are you planning to take out?" SWEENEY responded: "Well, the people that treated me tonight."

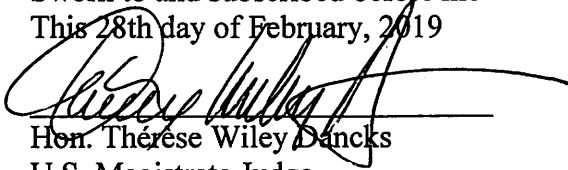
n. "I'm going to kill them. I'm fucking done."

7. Your affiant interviewed SWEENEY on February 25, 2019, in Syracuse, NY, and the interview was audio and video recorded. Your affiant provided SWEENEY *Miranda* warnings, and SWEENEY signed a written waiver form. During the interview, SWEENEY admitted making a telephone call to the Crisis Line but generally denied having a recollection of particular statements he made during the call. However, when your affiant told SWEENEY that your affiant knew that SWEENEY called the Crisis Line and said that he was going to kill four people before they got to him, SWEENEY responded "I remember that."

8. Your affiant also reviewed information provided by the Crisis Line concerning the incoming call it received on the morning of February 23, 2019, during which the threatening statements were made. Specifically, the incoming call was identified as having come from the telephone number 315-991-xxxx. Your affiant has checked public and law enforcement databases, and that telephone number associates with SWEENEY and his residence in Syracuse, New York.


Joshua K. Spencer
Criminal Investigator, VA Police Department

Sworn to and subscribed before me
This 28th day of February, 2019


Hon. Therese Wiley Dancks
U.S. Magistrate Judge